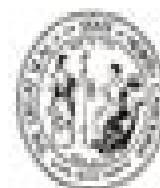




# N.C. Department of Labor Wage and Hour Notice to Employees



## Wage and Hour Act

### **Minimum Wage: \$7.25 per hour effective 7/24/09.**

Employees in North Carolina are required to pay the higher of the minimum wage rate established by state or federal laws. The federal minimum wage increased to \$7.25 per hour effective July 24, 2009; therefore, employees in North Carolina are required to pay their employees at least \$7.25 per hour.

An employer may pay no less than \$2.13 per hour to tipped employees so long as each employee receives enough in tips to make up the difference between the wages paid and the minimum wage. Employees must be allowed to keep all tips, except that pooling is permitted if an employer's tips are reduced more than 11 percent. The employer must keep an accurate and complete record of tips as certified by each employee monthly or for each pay period. Without these records, the employer may not be allowed the tip credit.

Certain full-time students may be paid 85 percent of the minimum wage, provided to the lowest extent.

### **Overtime**

Time and one-half must be paid after 40 hours of work in any one workweek, except after 45 hours of seasonal recreational and amusement establishments. The state overtime provision does not apply to some employers and employees who are exempt.

### **Youth Employment**

**Rules for all youths under 18 years old are:** Youth employment certificates (YECs) are required. To obtain a YEC, please visit our website at [www.ncdohr.com](http://www.ncdohr.com).

**Restrictions on Employment Opportunities:** State and federal labor laws protect youth workers by making it illegal for employers to hire them in dangerous jobs. For example, non-agricultural workers under 18 years of age may not operate a forklift, operate many types of power equipment such as most chains, circular saws, hand saws, battery machinery or road-working machines, work in an excavation or construction's gutter, or work from any height above 10 feet, including the use of ladders and scaffolds. For a complete list of prohibited jobs, please visit our website at [www.ncdohr.com](http://www.ncdohr.com).

**Additional rules for 14- and 15-year-olds are:** No work between 7 p.m. and 7 a.m. when there is school the next day. Exception: When the employer gets written permission from the youth's parents and principal.

**Additional rules for 14- and 15-year-olds are:**

Where work can be performed: Retail businesses, food service establishments, service industries and offices of other businesses. Work is not permitted in manufacturing, mining or construction, or with power-driven machinery, or on the premises of a business holding an ABC permit for the on-premises sale or consumption of alcoholic beverages, except that youths at least 14 years of age can work on the outside grounds of the

premises with written consent from a parent or guardian as long as the youth is not involved with the preparation, serving, dispensing or sale of alcoholic beverages.

**Maximum hours per day:** Three on school days, eight if a non-school day.

**Minimum hours per week:** 10 when school is in session, 40 when school is not in session.

**Hours of the day:** May work only between 7 a.m. and 7 p.m. (9 p.m. from June 1 through Labor Day when school is not in session).

**Breaks:** Shorter breaks are required after any period of five consecutive hours of work.

**Additional rules for youths under 14 years old are:** Work is generally not permitted except when working for the youth's parents, in newspaper distribution to customers, modeling, or acting in movies, television, radio or theater production.

These state youth employment provisions do not apply to farms, domestic or government work.

### **Wage Payment**

Wages are due on the regular paydate. If reported, final paychecks must be mailed. When the amount of wages is in dispute, the employer's payment of the undisputed portion cannot waive the right of the employee to continue a claim for the rest of the wages.

Employees must be notified of paydates, pay rates, policies on vacation and sick leave, and of commission, bonus and other pay matters. Employees must notify employers in writing or through a postal notice maintained in a place accessible to the employees of any reduction in the rate of personal wages at least 30 hours prior to such change.

Deductions from paychecks are limited to those required by law and those agreed to in writing or at before paydate. If the written authorization that the employee signs does not specify a dollar amount, the employee must receive prior to paydate (1) written notice of the actual amount to be deducted, (2) written notice of their right to withdraw the authorization, and (3) be given a reasonable opportunity to withdraw the authorization. The written authorization or written notice may be given in an electronic format, provided the requirements of the Uniform Electronic Transactions Act (Chapter 66, Article 40 of the N.C. General Statutes) are met.

The withholding or diversion of wages owed for the employee's benefit may not be taken if they reduce wages below the minimum wage. No reductions may be made to overtime wages owed.

Deductions for credit inventory shortages or for loss or damage to an employer's property may not be taken unless the employee receives seven days' advance notice. This seven-day rule does not apply to those deductions made at termination. An employer may not sue, threaten or require employees to pay back protected amounts.

If the employer provides vacation pay plans to employees, the employer shall give vacation time off or payment in lieu of time off, as required by company policy or practice. Employees must be notified in writing or through a postal notice of any company policy or practice that results in the loss or forfeiture of vacation time or pay. Employees not so notified are not subject to such loss or forfeiture.

The wage payment provisions apply to all private-sector employees doing business in North Carolina. The wage payment provisions do not apply to any federal, state or local agency or municipality of government.

### **Complaints**

The Department's Wage and Hour Bureau investigates complaints and collects back wages plus interest if they are due to the employee. The state of North Carolina may bring civil or criminal actions against the employer for violations of the law. The employer may also sue the employer for back wages. The court may award attorney's fees, costs, liquidated damages and interest.

Anyone having a question about the Wage and Hour Act may write or call:

N.C. Department of Labor  
Wage and Hour Bureau  
1001 Mail Service Center  
Raleigh, NC 27601-1001  
Phone: 1-800-425-2267 or 919-847-2766  
Fax: 919-847-2834  
[www.ncdohr.com](http://www.ncdohr.com)

### **Employment at Will—Right-to-Work Laws**

North Carolina is an employment-at-will state. The term "employment-at-will" simply means that unless there is a specific law to protect employees or there is an employment contract providing otherwise, then an employer can treat its employees as it sees fit and the employee can discharge an employer at the will of the employer for any reason or no reason at all.

North Carolina is a "right-to-work" state, which means that the right of a person to work cannot be denied or abridged because that person belongs—or does not belong—to a labor union. In addition, an employee cannot require any person, as a condition of employment or continuation of employment, to pay any dues, fees or other charges of any kind to a labor union. Also, an employer cannot enter into an agreement with a labor union whereby (1) non-union members are denied the right to work for the employer, (2) membership is made a condition of employment or continuation of employment, or (3) the labor union requires an employment monopoly in any company.

In addition, in CWA v. Beck, 487 U.S. 729 (1988), the U.S. Supreme Court stated that if a collective bargaining agreement between an employer and a labor union requires employees to pay initiation periods dues and initiation fees, employees who

are not union members can object to the use of these payments for certain purposes and can only be required to pay their share of union costs relating to collective bargaining, contract administration and grievance adjustment. Thus, if you believe that you have been required to pay dues or fees used in part to support activities not directly related to the duties of collective bargaining, you may be entitled to a refund and/or an appropriate reduction in future payments.

NCDOL does not have any enforcement authority of these laws but if you have any questions, contact the Regional Office of the National Labor Relations Board (NLRB) at the following address and phone number:

NLRB—Region II Office  
Republic Square  
4015 University Parkway, Suite 200  
Winston-Salem, NC 27106-1029  
336-433-1200

## Employment Discrimination

The department's Employment Discrimination Bureau (EDB) enforces the Retaliatory Employment Discrimination Act (REDDA). Employees involved in the following activities are protected from retaliation or discrimination by their employer:

- Workers' Compensation Claims
- Wage and Hour Complaints
- Occupational Safety and Health Complaints
- Mine Safety and Health Complaints
- Genetic Testing
- Smoke Call or Champagne Carriers
- N.C. National Guard Service
- The Juvenile Justice System
- Victims of Domestic Violence
- Perpetrate Rape/Assault Complaints

Employees who have questions about the application of REDDA, or employees who believe they have been discriminated or retaliated against, should contact the EDB information officer:

N.C. Department of Labor  
Employment Discrimination Bureau  
1001 Mail Service Center  
Raleigh, NC 27601-1001  
Phone: 1-800-425-2267 or 919-847-2800  
Fax: 919-847-2834  
[www.ncdohr.com](http://www.ncdohr.com)

If complaints must be made within 180 days of the date of violation.

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# Employment Law A Guide For North Carolina Public Employers

**John F. Buckley, IV**



## **Employment Law A Guide For North Carolina Public Employers:**

**Employment Law** Stephen Allred, 1992      *Searching the Law - The States* Francis R Doyle, 2022-11-14 This revised two volume set reproduces the easy to use logically organized format of *Searching the Law* for each of the 50 U S states Arranged by state and by topic within each state it features a complete list of all the legal research materials available for each state jurisdiction thousands of citations to the legal literature of each state materials applicable to more than one topic listed under each topic repeated listings under each state and topic where they apply and author title publisher format and the latest known supplement for each citation *Searching the Law The States* is the companion text to *Searching the Law* Together the sets form one of the most comprehensive logical legal reference sources available Published under the Transnational Publishers imprint The print edition is available as a set of two volumes 9781571052872      **North Carolina Employer's Guide** Aspen Publishers Editors, 2004-12-16 The North Carolina Employer's Guide is an authoritative book that provides the lay of the land of employment law for business owners managers and human resource professionals Written from an employer's point of view the Guide integrates the federal and particular state laws that affect the employer employee relationship Using plain English this work explains the legal aspects of the events and situations most employers face This 15th Edition of the North Carolina Employer's Guide includes discussion of the major 2004 changes to federal overtime rules and COBRA notice requirements new sections on employee evaluations and investigating employee misconduct discussion of North Carolina laws on employee leasing companies workplace violence and leave for victims of domestic violence Chapter headings are Hiring Termination Health and Safety Civil Rights Hours and Pay Unions Government Contractors and Miscellaneous Regulations The Guide comes in a three ring binder each chapter is tabbed and includes numbered section headings in bold print for ease of use Relevant state and federal agencies are listed at the end of each chapter as well as citations for the information discussed Updated annually      [The A-Z Guide to Federal Employment Laws for the Small Business Owner](#) Shannon Johnson, Berit Everhart, 2011 The recent spike in the number of violations of the Federal Fair Labor Standards Act has resulted in dozens of multimillion dollar lawsuits from both large and small businesses Federal employment laws were not written to assist small business owners in running their businesses making it difficult to understand the somewhat complex legalese Luckily there is an easy way to avoid being one of the numerous companies involved in class action labor lawsuits The *A eZ Guide to Federal Employment Laws for the Small Business Owner* details the labor laws you must follow as a small business owner to stay in good standing In a clear easy to understand format you will learn every detail to stay ahead of the government's requirements and run a successful business You will learn the intricate details of the federal acts and how they apply to you and your business You will learn everything in regards to age and disability discrimination equal pay requirements affirmative action civil rights enactments and worker retraining as it relates to your business You will learn which laws your company specifically must follow and how state laws might further

designate what you need to know when hiring a new worker There is a run down of each kind of business and how certain worker safety laws such as OSHA EPPA and COBRA apply to your business You will be shown exactly how each of these laws is enforced and what you can expect if you fail to do so e including the requisite fines possible sanctions or even loss of licensing in certain cases The tools you need to comply with these laws are provided in entirety along with the federal and state agencies you will be working with If you are considering starting or expanding your business The A eZ Guide to Federal Employment Laws for the Small Business Owner will provide every detail you need to effectively manage and maintain your growing workforce Atlantic Publishing is a small independent publishing company based in Ocala Florida Founded over twenty years ago in the company president e tm s garage Atlantic Publishing has grown to become a renowned resource for non fiction books Today over 450 titles are in print covering subjects such as small business healthy living management finance careers and real estate Atlantic Publishing prides itself on producing award winning high quality manuals that give readers up to date pertinent information real world examples and case studies with expert advice Every book has resources contact information and web sites of the products or companies discussed

**Wage-hour Compliance Handbook** Aspen Publishers Editorial, Terence M. Myers, 2006-12-13 Our North Carolina Employers Guide is an authoritative and accessible book that provides the lay of the land about employment law the Guide integrates federal and North Carolina laws that affect the employer employee relationship making it a valuable resource for business owners managers and human resource professionals The North Carolina Employers Guide is written and updated annually by an employment law attorney We have eliminated legal jargon offering clear and concise explanations of todays complex labor laws regulations and court decisions Relevant state and federal agencies are listed at the end of each of the six chapters along with citations for the information discussed Written from an employers point of view this 17th Edition North Carolina Employers Guide includes discussion of these and other current topics Discussion of North Carolina law increasing the basic minimum wage rate above the current federal minimum Updated North Carolina section concerning a principal contractors or subcontractors liability for workers compensation payments to an injured independent contractor Discussion of new North Carolina regulations on transfer of unemployment compensation contribution rates to the buyer of a bankrupt business Discussion of new regulations under the federal law on rights of employees serving in the military USERRA New sections on OSHA training requirements and global outsourcing New federal regulations defining Internet applicant Discussion of the 2006 US Supreme Court decision changing the standards for retaliation claims Discussion of new regulations on Social Security numbers and no match letters and more

North Carolina Employers Guide Aspen Publishers, 2003-02-01 The North Carolina Employer s Guide is an authoritative and comprehensive manual that provides the lay of the land of employment law for business owners managers and human resource professionals Written from an employer s point of view the Guide integrates the federal and particular state laws that affect the employer employee relationship Using plain English this work explains the legal aspects of the events and

situations most employers face Chapter headings are Hiring Termination Health and Safety Civil Rights Hours and Pay Unions Government Contractors and Miscellaneous Regulations Each chapter is tabbed and includes numbered section headings in bold print for ease of use Relevant state and federal agencies are listed at the end of each chapter as well as citations for the information discussed Updated annually      **Public Human Resource Management** Richard C. Kearney, Jerrell D.

Coggburn, 2015-07-30 Public Human Resource Management Problems and Prospects brings together exemplary contributors who provide concise essays on major contemporary public human resources management issues Organized into four parts setting techniques issues and prospects and covering the major process function and policy issues in the field the text offers valuable wisdom to students and practitioners alike With sixteen new and eleven updated chapters authored by the leading figures in the field as well as by up and coming new scholars the new edition works as a primary or supplementary text for courses in human resource management or issues in public administration      **Encyclopedia of the United States**

**Constitution** David Andrew Schultz, 2010-05-18 Covers the people court cases historical events and terms relating to one of the most studied political documents in schools across the country the United States Constitution      *The Essential Guide to*

*Federal Employment Laws* Sachi Clements, 2025-05-27 An invaluable resource for managers supervisors HR professionals and anyone needing an introduction to federal employment laws The book covers all the most important federal workplace laws including the Fair Labor Standards Act the Americans with Disabilities Act and the Family and Medical Leave Act breaking them down into plain English Managers and HR professionals can pick up this easy to use reference guide any time they have questions about their obligations under federal employment laws      **Popular Government** , 1999      *Checklist of*

*Official North Carolina State Publications* , 1995      **Civil Liability in Criminal Justice** Darrell L. Ross, 2018-05-24 The increasing litigation against criminal justice practitioners in the United States poses a significant problem for law

enforcement and other personnel Law enforcement and corrections professionals need to have a working knowledge of both criminal law and the civil law process to ensure that they are performing their duties within the limits of the law Civil Liability in Criminal Justice 7th Edition provides valuable information and recommendations to current and future officers and correctional system employees introducing them to civil liability and federal law as well as recommending strategies that can be taken to minimize risks Civil Liability in Criminal Justice is unique in its combination of applicable case law and related liability research while still providing an overview of current case law in high liability areas This new edition revised to include up to date United States Supreme Court cases including liability trends on the use of force arrest related deaths custodial suicides in detention qualified immunity and the outcomes of the Department of Justice and the application of Section 14141 additional context for liability issues and extended coverage of collective bargaining and public perception is a valuable resource for enhancing student knowledge and practitioner job performance The text is suitable for undergraduate and graduate courses in Criminal Justice programs as well as for in service and academy training Ross offers an engaging

accessible introduction to this aspect of the US criminal justice system      **School Law Bulletin** ,2000      Complete Guide to Human Resources and the Law, 2022 Edition (IL) Dana Shilling,Pro Rfza,2021-09-22 The Complete Guide to Human Resources and the Law is an invaluable tool for the HR professional who needs to place legal principles and developments in the context of the practical problems he or she faces every day The law as it relates to human resources issues is an ever growing ever changing body of information that involves not just court cases but also statutes and the regulations of administrative agencies The Complete Guide to Human Resources and the Law brings you the most up to date information as well as practical tips and checklists in a well organized easy to use resource Amazon com      Complete Guide to Human Resources and the Law, 2023 Edition (IL) Shilling,2022      **Searching the Law, the States: MI-WY** Francis R. Doyle,2003

**Index to Legal Periodicals & Books** ,1997      *Equal Employment Opportunity Compliance Guide, 2013 Edition* John F. Buckley, IV,2012-12-01 Equal Employment Opportunity Compliance Guide is thecomprehensive and easy to use guide that examines all the major administrativeand judicial decisions interpretive memoranda and other publications of theEEOC providing complete compliance advice that is easy to follow as well asthe full text of the most important EEOC publications and more on CD ROM This one stop EEO solution delivers completely current coverage ofcompliance developments related to Harassment Including thorough coverage of the employer s preventionresponsibilitiesDisability Fully comply with all requirements including the accommodation ofwork schedulesReligious discrimination Keep current with the most recent developments including reverse religious discriminationGender identity discrimination Avoid high profile and potentially costlymistakesSave countless hours of research time This single powerful enclosed CD ROMcontains Forms to support you from the initial stages of an EEO complaintEEOC regulations and exclusive annotationsHundreds of legal interpretations of EEOC regulationsPrimary source enforcement and guidance documents issued by the EEOCThe most influential sections of the EEOC Compliance Manual Organized bytopic      **Handbook of Human Resource Management in Government** Stephen E. Condrey,2010-08-02 HANDBOOK OF HUMAN RESOURCE MANAGEMENT IN GOVERNMENT THIRD EDITION The practice of public human resource management has evolved significantly in recent years due to increased outsourcing privatization and the diminution of public employee rights This thoroughly revised and updated edition of the classic reference Handbook of Human Resource Management in Government offers authoritative state of the art information for public administrators and human resource professionals The third edition features contributions from noted experts in the field including Donald E Klingner Mary E Guy Jonathan P West Jeffrey L Brudney Montgomery Van Wart J J Steven Ott Norma M Riccucci and many more Praise for the Handbook of Human Resource Management in Government This third edition of the Handbook of Human Resource Management in Government is an essential resource for scholars practitioners and general readers in need of concise summaries of up to date cutting edge public personnel administration research No other handbook on the market more concisely more comprehensively more clearly synthesizes this vast rapidly changing field

that remains so vital to effective government performance RICHARD STILLMAN editor in chief Public Administration Review

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**Complete Guide to Federal and State Garnishment, 2016 Edition**

Amorette Nelson Bryant, 2015-10-02 Complete Guide to Federal and State Garnishment provides much needed clarity when the federal and state laws appear to conflict You ll find plain English explanations of the laws and how they interact as well as the specific steps you and your staff need to take to respond to the order properly Numerous detailed examples and mathematical calculations make it easy to apply the law under different scenarios Written by Amorette Nelson Bryant who was recently appointed by the Uniform Law Commission as an observer for the Drafting Committee on a Wage Garnishment Act and was a past chair of both the APA GATF Child Support Subcommittee and Garnishment Subcommittee Complete Guide to Federal and State Garnishment brings the payroll professional up to date on the latest federal and state laws and regulations affecting this ever changing area It is your one stop source for answers to critical questions such as Does the amount exempt from garnishment change when the minimum wage goes up How do I determine the wages to which the garnishment applies If an employee is subject to more than one garnishment which has priority Which state s rules do I use when I receive a child support order sent from another state State or federal law which applies for creditor garnishment and support Are there alternatives to remitting withheld child support via EFT EDI How do I handle garnishments when employees are paid a draw against salary Complete Guide to Federal and State Garnishment 2016 Edition brings you up to date on the latest federal and state laws and regulations affecting this ever changing area Highlights include The revised income withholding order for support and an explanation of its changes and requirements An additional suggestion of what should be checked when you receive any type of garnishment A more efficient means for an agent to deliver garnishment documents New section on the future of medical support Why your employee might not be entitled to exempt amounts from a federal tax levy Updated figures for federal tax levies in 2014 Increased cost of voluntary tax agreements Updated Form 2159 New contact information for administrative wage garnishments Update on a uniform state law for wage garnishments Trend to lengthen the period when a deduction for a creditor garnishment may be stopped New statistic on percentage of

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